



STATE OF NEW YORK
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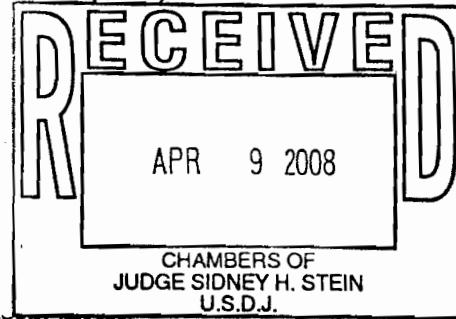
[212-416-8118]

4/9/08

Def. time in which to
move for reconsideration
is May 27, 2008.
Sett. negotiations until May 23.
Ex parte until May 23.
S.O.G. by 5/10/08

MEMO ENDORSED

BY FAX: 212-805-7924
Honorable Sidney H. Stein
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007-1312



Re: Voorhees v. Lord et al., 05 CV 0350 (SHS)(THK)

Your Honor:

I am the Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, assigned to the defense of this matter. I write on behalf of defendants David Casterline, Mark Hayo and Janaire Malloy ("defendants") to respectfully request an extension of time to move for reconsideration of the March 27, 2008 Order until ten (10) days after settlement negotiations in front of Judge Katz have concluded, to the extent the negotiations do not result in a resolution. As the Court is aware, the parties are involved in settlement negotiations with Judge Katz and defendants believe that a motion for reconsideration should be put off to allow the parties to focus on settlement negotiations and because of judicial economy. If this request is denied, defendants request until April 29, 2008 to move for reconsideration. Currently, any such motion is due on April 10, 2008. The basis for this motion would be that defendants' arguments that they are entitled to qualified immunity was not addressed by the Court in the Order.

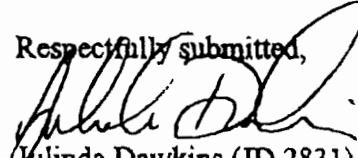
On April 4, 2008, the defendants submitted their response to plaintiff's request to settle this matter, which requests the installation of individual temperature control knobs, adjustable showerheads and mats inside the showers at Bedford Hills Correctional Facility. Currently, we are awaiting an appearance date before Judge Katz to discuss whether our response to the plaintiff's demands is sufficient to resolve this case. To the extent this matter is not resolved, we would like an extension of time to move for reconsideration from April 10, 2008 until 10 days

after settlement negotiations in front of Judge Katz have concluded.

In the event that the Court does not grant the above request, defendants respectfully request an extension until April 29, 2008 to move for reconsideration. The reason for this request is that, while the Order was technically issued on March 27, 2008, we did not receive a copy of the conference transcript until yesterday, April 8, 2008, and I presently have several other prior legal obligations for the week of April 14, 2008 and April 21, 2008, and thus ask that the date be adjourned until April 29, 2008.

I did not request the consent of incarcerated plaintiff pro se because I wanted to make this request on behalf of defendants forthwith. This is the defendants' first request for an extension of time to submit their motion for reconsideration.

I thank the Court for its consideration in this matter.

Respectfully submitted,

Julinda Dawkins (JD 2831)
Assistant Attorney General

cc: Ms. Mary Voorhees
Pro Se Plaintiff (by UPS Overnight)
DIN # 00G0980
Bedford Hills Correctional Facility
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